

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

SimpleAir, Inc.,  Plaintiff,  v.  Google Inc., et al.,  Defendants.	Civil Action No. 2:14-cv-11-JRG <b>Lead case</b>
SimpleAir, Inc.,  Plaintiff,  v.  Google Inc.,  Defendant.	Civil Action No. 2:13-cv-937-JRG <b>Consolidated case</b>

**Joint Stipulation Regarding Case Narrowing**

Plaintiff SimpleAir, Inc. (“SimpleAir”) and Defendants Google Inc. (“Google”) and YouTube LLC (“YouTube”) hereby stipulate, as follows:

1. **‘154 Patent.** To narrow the case for trial, SimpleAir has agreed not to assert U.S. Patent No. 8,601,154 (“the ‘154 Patent”) at the October 7, 2015 trial (“the trial”) against either YouTube or Google. The parties will file a joint motion to dismiss with prejudice all claims and counterclaims in the above captioned actions as to the ‘154 Patent. Google will not make any arguments or present any evidence regarding the dropping of YouTube or of the ‘154 Patent at the trial (or in any further trial or retrial of the above-captioned actions), including any such arguments concerning damages or asserting a license defense. In addition, regardless of the outcome of the trial or any post-trial motions orders or appeals, neither Google or YouTube will

seek costs or fees (under any law or rule) or seek or dispute prevailing party status based on SimpleAir's prosecution or abandonment of its claims on the '154 patent against Google or YouTube.

2. **YouTube.** To narrow the case for trial, SimpleAir's claims for infringement in the above-captioned matters against YouTube will be dismissed with prejudice.

3. **Priority date.** For the purposes of this litigation, Google will not challenge and hereby stipulates to the January 26, 1996 priority date of U.S. Patent No. 8,572,279 ("279 Patent"). The parties agree that Google shall not be precluded from arguing in any subsequent action (not including any retrial of this case or any portion of it) that any patent claiming priority to any of the four provisional applications to which the '279 Patent claims priority is not entitled to the January 26, 1996 priority date. The fact that Google stipulates not to challenge the January 26, 1996 priority date for the '279 Patent shall not be deemed an acknowledgement that such patent is actually entitled to that priority date.

4. **Written description, claim 15.** Google hereby withdraws any written description defense in this case. In reliance on the foregoing stipulation, SimpleAir withdraws claim 15 of the '279 Patent from this action.

5. For additional clarity, no costs or fees or findings relevant to exceptional case, litigation misconduct, or prevailing party status will be based on or consider the entry of this stipulation by either party.

Date: October 12, 2015

Respectfully submitted,

By: /s/ Jeff Eichmann  
John Jeffrey Eichmann  
CA State Bar No. 227472  
(admitted to practice before the U.S. District  
Court for the Eastern District of Texas)

Simon Franzini  
CA State Bar No. 287631  
(admitted to practice before the U.S. District  
Court for the Eastern District of Texas)  
DOVEL & LUNER, LLP  
201 Santa Monica Blvd., Suite 600  
Santa Monica, CA 90401  
Telephone: 310-656-7066  
Facsimile: 310-657-7069  
Email: [jeff@dovel.com](mailto:jeff@dovel.com)  
Email: [simon@dovel.com](mailto:simon@dovel.com)

ATTORNEYS FOR PLAINTIFF  
SIMPLEAIR, INC.

DATED: October 12, 2015

QUINN EMANUEL URQUHART & SULLIVAN, LLP

By */s/ Michael D. Powell*

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J. Mark Mann  
State Bar No. 12926150  
G. Blake Thompson  
State Bar No. 24042033  
MANN | TINDEL | THOMPSON  
300 West Main Street  
Henderson, Texas 75652  
(903) 657-8540  
(903) 657-6003 (fax)

QUINN EMANUEL URQUHART &  
SULLIVAN, LLP  
Charles K. Verhoeven  
[charlesverhoeven@quinnemanuel.com](mailto:charlesverhoeven@quinnemanuel.com)  
Michelle A. Clark  
[michelleclark@quinnemanuel.com](mailto:michelleclark@quinnemanuel.com)  
50 California Street, 22nd Floor  
San Francisco, California 94111-4788  
Telephone: (415) 875-6600  
Facsimile: (415) 875-6700

Patrick D. Curran  
[patrickcurran@quinnemanuel.com](mailto:patrickcurran@quinnemanuel.com)  
51 Madison Avenue, 22nd Floor,  
New York, New York 10010  
Telephone: (212) 849-7000

Facsimile: (212) 849-7100

Michael D. Powell  
mikepowell@quinnemanuel.com  
555 Twin Dolphin Dr.,  
Redwood City, CA 94065  
Telephone: (650) 801-5000  
Facsimile: (650)801-5100

*Attorneys for Defendants Google Inc. and YouTube,  
LLC*

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/s/ Jeff Eichmann